Iron County Register.

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CIRCUIT COURT NOTES.

THOMAS, JUDGE.

Some of the matters brought before the Circuit Court here and some of the decisions rendered being of public importance, we make a short report of them :

Judge Thomas in his charge to the Grand Jury, besides the ordinary items of such charges, stated that the Assessor of the county was subject to indictment and fine for a misdemeanor in office if he fail to administer to each tax-payer the statutory oath that he had listed all his property, and that the mere fact that the tax-payer signed the oath and the Assessor subscribed his name to the jurat without corporally administering the oath, was not a compliance with the statute. The Assessor must actually administer the oath to the taxpayer, and if he don't he subjects himself to a

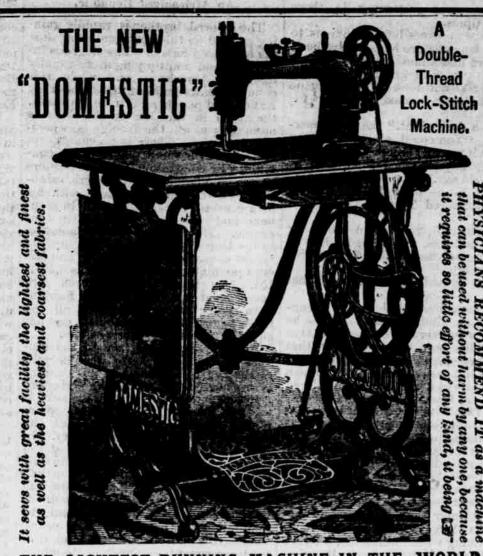
Again, the Judge called the attention of the Grand Jury to the statute in regard to the public safety. This statute requires every keeper of a hotel of over two stories in height to provide and securely fasten in every lodging room above the second story which has an outside window, a rope or rope ladder for the escape of guests in case of fire; the rope shall be at least one inch in diameter and long enough to reach to the ground and shall be fastened near the window. In lieu of this any other appliance may be substituted that may be deemed of as great or greater utility by the fire department of the town or city. Hotels of over three stories in height shall be provided with iron balconies, with iron stairs leading from one balcony to another, to be placed at the end of each hall above the third story The hotel-keepers shall post notices in every room calling attention of lodgers to these rope ladders and balconies, where to find them and the part of the room where the ladders are fastened. Anyone failing to comply with this statute shall be adjudged guilty of a misdemeanor and be punished by tine of not less than \$50 nor more than \$50). Also, all the doors for ingress and exress to and from all public school houses and all other public buildings, and also of all theatres, assembly rooms, halls, churches, and all other buildings or places of public resort, except churches and school rooms of one story, shalf be so hung as to open outwardly from the audience rooms, halls or work shops of such buildings and places: provided that said doors may be hung on double-jointed hinges, so as to open with equal case outwardly and inwardly. This statute applies to buildings heretofore erected or hereafter to be erected. Anyone having charge of any such room, hall or building who shall fail or refuse to comply with this law within six months from the passage of the statute (which was passed in 1872,) shall be deemed guity of a misdemeanor and fixed not less than \$100 nor more than \$1,000. The Judge charged the Grand Jury to inquire whether this statute has been complied with in Iron county; and, if it had not, to indict the guilty parties.

The Grand Jury returned quite a number of bills against parties for selling liquor on Sonday; all of a town came forward and pleaded, and it cost them pretty dearly, as the most of them were indicted five times-the fine and costs in each case amounting to from \$15 to \$20. There were only two criminal trials. One was the State vs. Lotz et al. These parties were indicted for shooting at a mark across or along a public highway. The evidence showed that defendants shot at a mark parallel with a public highway, but forty yards from it. Tue court held that this was not a violation of this statute-that "along a public highway" did not mean outside of and parallel with a public highway, but inside its limits. Parties might be liable to fine for shooting so close to a public highway as to frighten horses, but when indicted for shooting "across or along a public highway" the prosecution must show either that the shooting was across the highway or inside of its limits.

. STATE VS. WM. B. SMITH. This case was tried before a jury. The defendant stabbed Simeon G. Shuiar three times on April 24sh, 1880. Defendant interposed the plea of self-defence. The evidence was very conflicting. The jury, after a long time, found defendant guilty and fined him \$100. His attorneys immediately filed a motion for a new trial; one of the grounds of which was that Judge Carter, who assisted Mr. Edgar in the prosecution, had misrepresented the law in this: He stated that the statute allowed defendant to testify in his own behalf, but provided that the fact that he was testifying in his own behalf might be given in evidence to the jury to affect his credibility. "Then," said he, "gentlemen of the jury, the law lixes the sting of discredit to delenuant's testimony." Judge Emerson at once objected to this statement. The court held that the at-

torney representing the State had a right to tell the jury what the law is on a given point upon which the court gave no instructions; but if he undertook to may down the law, he must do it correctly, otherwise it operated to would be granted. In this case to say to the jury that "the law fixed the sting of discredit to defendant's testimony" was not a correct interpretation of the statute. The law did not fix any sting, but the jury in weighing defendant's testimony were at liberty to, and ought to, consider the fact that he was testifying in his own behalf. They might discredit him, but the law did not. But the court held further that it was plain the defendant had not been prejudiced by this statement of Judge Carter; for if the jury had discredited defendant's whole testimony, it would have been better for him-for he, in his own testimony, had stated that he caught Shular by the stabbed him three times with a knife, Shuler that at the time Shular was stabbed he was utterly powerless for harm to defendant; and court no new trial ought to be awarded. New trial refused. Defendant then paid the fine and was released until thirty days before next

term in regard to costs.



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case the court held that a debt due to a part- in the work that were in it twelve nership could not be garnished to pay a judg- venrs ago. ment against one of the partners, though the judgment was rendered on a note executed by the partnership, and in the case of Well & moved to address the Legislature on Bro. against Jas. Butor! the court held that the matter of common schools, the the Sheriff had no right to apply the money in his hands arising from the sale of partnership property to the liquidation of an execution in his bands against one of the parties.

L J. HALL VS. THE ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY CO.,

Garnishee of Daniel Dunklia. In this case the court held that an execution debtor did not lose his right to claim and receive a garnisheed debt due him as exempt from execution after judgment had been rendered against ery qualified e'ector in the district is the garnisher and the money collected from entitled to vote; the law should be him by the Sheriff simply because the Sherift exempt property, but might apply to the court to order the Sheriff to pay the money to him as his exempt property. The court ordered the money to be said Dur klin as a part are running smoothly, and no great than that of any other St. Louis paper. of his statutory exemptions. The case was wrong being done, it is unwise to Two hundred correspondents in Misappealed.

GREASON VS. E. C. RUSSELL.

In this case the court held that the administrator or executor, and not the heirs, of a deceased party must sue for the debts due the matter be brought for ward soon, that deceased. Upon this ruling the plaintiffs (who are the widow and daughter of Co. investigation may be given. It re-Greason) withdrew the submission and the mains for us to consider case was continued.

> For the Register. Some Things.

BY THOMAS CALAHAN.

There will not be any political partizan lines run through this essay.

Some reference must be made to th history of the State of Missouri, in order that we may the bettor understand OUR COMMON SCHOOL SYSTEM.

staggering along under a complicated, has made just and equitable arrangecumbrous, and expensive system of ments to remedy a civil inconvenience, schools, which was a part of The and abate a public nuisance, the State Drake Constitution, which was a part has a right to see to it that the enforcof the system called Southern Recon-ing of this remedy, and abatement, struction, which consisted in reorga- shall not be barred or defeated by the nizing a State on an abnormal base, negligence, indifference, or criminal by outside agencies; an undertaking wilfulness of individuals; and a comwhose most sanguine advocates must polsory law is simply the carrying admit has not proven to be a brilliant out of that right. success.

force was out of time, and lacked adap- principle. It is merely the applicatation to the people of the State.

When the control of the State came into the hands of the majority of its cit- examination will show that the objecizens they found themselves face to tions to this apply just as well against for less than the cost of the white paper. face with a problem in regard to the the whole common school system; and common schools, before which the bold- that they have been fully met and an- tage included. est might have done well to pause, swered at least a thousand and one They were required to amend in many times. essential particulars, and yet keep the the prejudice of the accused, a new trial system in vigorous operation, and en- malice toward none, and charity towlarge and extend its influence. This ard all." The assertion of a new, or Cents only, per annum, postage, inwork has been well done by the peo- the application of an old, legal principle of the State, acting through the ple to a new class of subjects, is very Legislature.

better to day than it was twelve years in a temporary grievance. The law ago. It is less complicated, less expen | may interfere with our old habits, and sive, and better adapted to the people. we may think ourselves hardly dealt connection with the working force of just ourselves to the new condition, and

1865 and 1870, came to Missouri, quite our new shoes. They will irritate our right arm and hugged him c.ose to himself and a number were school teachers. Of corns, agitate our bunions, fire up our these, many having become weary here feet, and blister our heels, for awhile; having a rock in his right hand. This showed have gone to other fields, many have but who on account of these temporary gone into other callings; and not a few annoyances would insist on always go having, as we charitably hope, succes- ing barefooted? the self-defence out of the case that was made fully passed through all examinations A man may have a divine right to go by the other evidence. The conclusion of the by the Great Teacher, have gone into barefooted when he cannot obtain Judge was, therefore, that while Judge Car- the Higher Department of God's shoes by honest means; and he may be ter's remark was an error, yet in this case was Graded School; and the places of all of excusable for being ignorant, when he a harmless error and under the rulings of our these have been perhaps more than has not voluntarily placed himself out filled by those who are "to the manor of reach of the means of education. born."

The common school system of Mistreme case among us. souri has nearly completed its moult- It might be well to limit the applica-Garnishee of Farris & Beuckemann. In this ing period. But few teachers are now tion of the compulsory law to the ac-

If the writer of this article would be communications would cover only two points. There would be a thankful acknowledgment of much good work well done; and then a prayer, give us a rest from Legislative enactments, for the following reasons: Almost the whole administration of the schools, having been very judiciously entrusted to the Annual Meeting, in which evpermitted to continue in one stay long make changes.

But if there are those who think that changes are desirable, let the an opportunity as full as possible for

THE COMPULSORY SCHOOL LAW. Ignorance has always been a personal inconvenience.

For a long time individual enterprise was relied upon for its removal. This being proven to be an inadequate remedy, the State awoke to the facts that ignorance was not only a civil inconvenience to be remedied, but a nuisance that must be abated, and of that discovery our common school system is the natural outgrowth. A little re-Twelve years ago, this State was flection will show that when the State

There would not be found in this The common school system then in law any assertion of any new legal tion of an old and well established idea to a new class of subjects; and a little

But let us look at this matter "with Our common school system is much like putting on a pair of new and pay postage, to any one who will shoes. Either transaction may result send in five yearly subscriptions. much like putting on a pair of new A great change has taken place in by; until we have a little time to adwe do cheerfully what at first we did Of the 350,000 people who, between only in obedience to law. Just so with

But either one of these would be an ex-

quisition of a knowledge of the elementary branches of an education; namely, orthography, reading, writing and arithmetic, because the obligation of the State to teach in a common school any more than these is a very

open question. Under the existing arrangements, a district can, at the annual meeting, elect a teacher from among the qualified applicants; and if care is used to select one possessing in a good degree the true spirit of the work of teaching, he will be able by his administration of the school, to remove many of the objections to a compulsory law, whilst a teacher of a different spirit can do much to strengthen those objections.

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